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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,743	02/12/2002	Scott Brenner	2001-0156	1522

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EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/074,743		BRENNER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	John Manning		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/10/04;2/12/02</u> .   | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26, 29-32, 35-40 and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas et al. (US Pat App Pub No 2003/0037068).

In regard to claim 1, Thomas discloses “a system for broadcasting video programs to a user including a display” and “for providing program information to the user” (Abstract; Paragraph 0011). The claimed limitation of “an input device for use in generating an input signal representing a request for summary information concerning a video program, the program having a beginning and the input signal being generated at a time during a broadcast of the program” is met by Figure 1, Items 56 and 44. The claimed limitation of “a controller for receiving the input signal and, in response thereto, providing via the display a summary of the program from the program beginning to the input signal time” is met by Figure 1, Items 44 and 52.

“In one suitable embodiment, the interactive media application may provide the user with access to real-time media. The real-time media may, for example, be

television programming, music programming or any other suitable media. The real-time media may be presented to the user on media presentation device 52. The interactive media application may provide the user with the ability to pause the real-time media. This may be done, for example, by pressing a pause button on a remote control. In response to the pause command, the interactive media application may direct the real-time media to be stored at user equipment 40 (e.g., in storage and memory 46). In another suitable approach, the interactive media application may direct the real-time media to be stored on a remote server. The remote server may be located at distribution facility 36, at a storage facility accessible via the Internet, or at any other suitable remote location. The real-time media may be stored from substantially the same point in time as the issuance of the pause command and onwards. In another suitable approach, the real-time media may begin being stored at the same point in time as the issuance of the pause command or shortly thereafter. While the real-time media is being paused, the interactive media application may present pause-time content to the user” (Paragraph 0037).

“The interactive media application may also substitute pause-time content that is specific to the media that is being paused or specific to each user. The pause-time content may be an advertisement associated with the media, a summary of the events that have transpired up until the point in time at which the media was paused, trivia or facts related to the media, a link to the Web site of the media, or any other suitable media or application associated with the media. The interactive media application may monitor a user's activities to provide a customized pause-time experience for that user.

For example, the interactive media application may substitute specific advertisements of upcoming media events to the user based on the type of media that the user has historically played” (Paragraph 0042).

In regard to claim 2, Thomas discloses “the controller is further for transmitting a control signal to a remote site in response to receipt of the input signal, and for receiving the summary in response to transmission of the control signal”. The summary is VOD, which inherently has a control signal.

In regard to claim 3, Thomas discloses “the controller is operative to receive the summary from the remote site” (See Figure 1, Item 36; Paragraph 0040).

In regard to claim 4, Thomas discloses “the controller is operative to receive the summary from a site other than the remote site” (See Figure 1, Item 60; Paragraph 0040).

In regard to claim 5, Thomas discloses “the summary comprises video content” (See Paragraph 0024).

In regard to claim 6, Thomas discloses “the summary comprises audio content” (See Paragraph 0024).

In regard to claim 7, Thomas discloses “the video content is provided on a portion of the display separate from a portion of the display used to provide the program”. The disclosed summary is time sequentially displayed with the program and the area of display, while overlapping, does not occupy the exact same area (evidenced by Figure 2). The claimed language does not require the portions to be mutually exclusive.

In regard to claim 8, Thomas discloses “the video content comprises text” (See Paragraph 0024).

In regard to claim 9, Thomas discloses “the summary comprises text embedded in the program, the text to be provided by the controller via the display only after receipt of the input signal by the controller” (See Paragraph 0047).

In regard to claim 10, Thomas discloses “a storage medium for use in storing the summary” (See Figure 1, Item 46).

In regard to claim 11, the claimed limitation of “providing a controller for receiving an input signal representing a request for summary information concerning a video program, the program having a beginning and the input signal being generated at a time during a broadcast of the program, and for providing via the display a summary of the program from the program beginning to the input signal time in response to receipt of the input signal” is met by Figure 1 (See Paragraphs 0037, 0024 and 0054-0056; Also, See that discussed for claim 1). Thomas discloses tracking the time period of a program and providing a corresponding summary with respect to the time (i.e. the amount of time elapsed from the beginning of a program).

In regard to claim 12, Thomas discloses “providing an input device for use in generating the input signal” (See Figure 1, Item 56; Paragraph 0032).

In regard to claim 23, Thomas discloses “the controller is further for communicating with a remote site to request a copy of at least a portion of the program when the period exceeds the predetermined threshold time, and for receiving the copy of at least a portion of the program” (See Paragraph 0045 and 0054-0055). Thomas

discloses tracking the time period of a program and providing a corresponding summary with respect to the time (i.e. the amount of time elapsed from the beginning of a program). A summary for 20 minutes from the start of a program will be different than the summary for 5 minutes from the start of the same program, which meets the limitation of a predetermined threshold time.

In regard to claim 26, Thomas discloses “the copy of at least a portion of the program comprises a complete copy of the program”. The displayed program may be paused and, upon input by the user, the program can be un-paused causing the program to be (assuming no further pause commands) complete program to be displayed.

In regard to claim 29, Thomas discloses “an input device, wherein the controller is further for requesting, and the input device is for use in generating, an indication whether a copy of at least a portion of the program is desired when the period exceeds a predetermined threshold time, and the controller is further for communicating with a remote site to request a copy of at least a portion of the program upon a receipt of an indication that a copy of at least a portion of the program is desired” (See Paragraph 0045 and 0054-0055; Also, See that discussed for claim 23).

In regard to claim 13, see claim 2.

In regard to claims 14, 24, 30, 38 and 44, see claim 3.

In regard to claims 15, 25, 31, 39 and 45, see claim 4.

In regard to claim 16, see claim 5.

In regard to claim 17, see claim 6.

In regard to claim 18, see claim 7.

In regard to claim 19, see claim 8.

In regard to claim 20, see claim 9.

In regard to claim 21, see claim 10.

In regard to claim 37, see claim 23.

In regard to claims 32, 40 and 46, see claim 26.

In regard to claims 43, see claim 29.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27-28, 33-34, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al.

In regard to claim 27, Thomas fails to explicitly disclose "an input device, wherein the input device is for use in generating a request for display of, and the controller is further for providing via the display, at least a portion of the copy of at least a portion of the program during the broadcast of the program." The examiner takes official notice that the aforementioned limitation is notoriously well known in the so as to allow the



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user to make efficient use of their time. Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Thomas with the use of the aforementioned limitation for the stated advantage.

In regard to claim 28, Thomas fails to explicitly disclose “an input device, wherein the controller is further for requesting, and the input device is for use in generating, an indication whether to continue receiving the copy of at least a portion of the program when the display is tuned to a broadcast of another video program before receipt of the copy of at least a portion of the program has been completed.” The examiner takes official notice that the aforementioned limitation is notoriously well known in the so as to provide enhanced system versatility, where the user is not forced to watch an undesired video portion/summary. Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Thomas with the use of the aforementioned limitation for the stated advantage.

In regard to claims 33, 41 and 47, see claim 27.

In regard to claims 34, 42 and 48, see claim 28.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bhagavath et al. (US Pat No 6,829,781) and Rafey et al. (US Pat App Pub No 2002/0170068)


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM  
September 27, 2006



**JOHN MILLER**  
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